

Surfside Beach City Council Meeting

Tuesday June 11, 2024

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

An agenda information packet is available for public inspection on the website at
www.surfsidetx.org

NOTICE IS HEREBY GIVEN that the City Council of the Village of Surfside Beach will conduct a Council meeting scheduled for **7:00 p.m. on Tuesday June 11, 2024**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/84253545017?pwd=VHFGMXRoZmJHNG5lcDBISlJ3MldjUT09>

Meeting ID: 842 5354 5017 Passcode: 1304

The City Council reserves the right to meet in closed session on any agenda item, should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Mayor/council/department head reports/**Brazosport Chamber**
- 4) Business of visitors not on the agenda.
- 5) ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.
CONSENT AGENDA:
 - A. Consider approval of minutes from the Council meeting on May 14, 2024.
 - B. Consider approval of accounts payable from May, 2024.
- 6) Discuss and take possible action to hold a series of town hall meetings specifically focused on individual topics of concern within Surfside Beach Texas: Water, Sewer, Finance, Erosion, Storm Preparedness, SPOT, etc... To promote dialogue, feedback, and transparency between local government and constituents. *Gerber*
- 7) Discuss and take possible action to direct Eric to research the best combination of the most advanced and longest lasting materials with proven results for patching potholes that would be suitable for our climate and road conditions at the Village of Surfside. *Kedlarchuk*

- 8) Discuss and take possible action regarding Human Resources policy consider convening an advisory panel to make recommendations regarding HR practices, and potential changes to the employee handbook and employment related policies. (specifically with a focus on drug testing policies) *Gerber*
- 9) Discuss and take possible action to increase HOT rate to 5% effective Jan 1, 2025. *Parsch*
- 10) Discuss and take possible action regarding continuing participation in the Community Development Block Grant and HOME program with Brazoria County. *Bisso*
- 11) Discuss and take possible action on Resolution designating the Mayor to act for and on behalf of the village of surfside Beach in dealing with the Texas General Land Office. *Bisso*
- 12) Adjourn

CERTIFICATION

I hereby certify that a true and correct copy of the above and foregoing "Notice of Meeting" by the City Council was posted on the front bulletin board of the City Hall of the Village of Surfside Beach, Texas. Said notice was posted Thursday, June 6, 2024 at or before 6:00 PM and remained so posted continuously for at least 72 hours before the scheduled time and date of the aforementioned meeting.


City Secretary

Minutes of Meeting of the City Council

Tuesday, May 14, 2024 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

1) CALL TO ORDER, QUORUM IN ATTENDANCE

Mayor Bisso called the meeting to order at 7:00 p.m.

2) INVOCATION, PLEDGE OF ALLEGIANCE

Robertson gave the invocation and Mayor Bisso led the Pledge of Allegiance.

**3) Discuss and take possible action on Ordinance 2024.05.14GE
CANVASS OF THE 2024 GENERAL MUNICIPAL ELECTION**

Motion was made by Green-Prats to accept the canvass as presented and approve Ordinance 2024.05.14GE. Motion was seconded by Jalifi and passed unanimously.

**4) SWEARING IN OF COUNCIL MEMBERS and RECOGNITION OF
OUT-GOING COUNCIL MEMBER, Sean Robertson**

Chief swore in the newly elected Council and Mayor and presented Robertson with a plaque of appreciation for his dedication and service to Surfside Village.

**5) OPEN PUBLIC HEARING: Council will open a public hearing
regarding the Conditional Use Permit for an RV Park.**

Public Hearing was opened at 7:15 p.m. Josh Hart and Garrett Davison presented this item and discussed the pros and cons of the location. Davison laid out the long term plans, regarding length of stay per rental, security, protecting wetlands, etc.

6) Close Public Hearing at 7:36 p.m.

7) Mayor/council/department head reports

Chief Moncier: reported on the monthly PD activities for April and presented awards to his officers.

Gerber: Re-enactment of the signing of the Treaty of Velasco;

Jalifi: question the amount of agenda items allowed per Councilman;

Mayor Bisso: Update on the groin project and Stahlman Park repairs; reported on the recent trip to other coastal cities regarding the rescue equipment that they use for surf rescues and demonstrations.

Bisso states that our police department must be better equipped to handle these situations in the safest possible way; discussed the increase in the beach permits; readying all departments for hurricane season.

Green-Prats: what is the status on employee handbook and job descriptions.

8) Business of visitors not on the agenda/St. Patrick's Committee presentation

Melinda Wilhelm/St. Patrick's Day committee presented a donation to the PD and Fire Department.

Donna Rickard presented a donation to the PD and Fire Department.

9) ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.

CONSENT AGENDA:

A. Consider approval of minutes from the Council meetings on March 12 and April 9, 2024.

B. Consider approval of accounts payable from April, 2024.

Motion was made by Gerber to approve the consent agenda as presented. Motion was seconded by Green-Prats and passed unanimously.

10) Discuss and take action to appoint a Mayor Pro Tem in accordance with the Texas Local Government Code Section 22.037.

Motion was made by Gerber to appoint Jennie Green-Prats as Mayor Pro Tem. Motion was seconded by Parsch and the motion passed unanimously.

11) Discuss and take possible action regarding a conditional use permit located off Bluewater Highway on Lot 146 & Tract 216 of the Brazos Coast Investment Company Subdivision Div. 1, Surfside Beach, Texas.

Mayor Bisso called for the motion on this, however this item dies for lack of motion.

12) Discuss and take possible action to appoint a Finance Director.

Motion was made by Gerber to appoint Toni Truly as Finance Director. Motion was seconded by Green-Prats and passed unanimously.

13) Discuss and take possible action to repair, replace or remove the crabbing pier.

Motion was made by Zack Parsch to make repairs as presented. Motion was seconded by Gerber and it passed unanimously.

14) Discuss and take possible action on a Resolution regarding a contract for the purpose of financing Heavy Equipment (mini-excavator).

Motion was made by Gerber to finance a mini-excavator with Government Capital Corporation. Motion was seconded by Green-Prats and passed with 4 for, 1 against (Jalifi)

15) Discuss and take possible action to consider current applicants and to fill vacancies on the commissions and committees.

Motion was made by Gerber to appoint James French to the Planning Committee. Motion was seconded by Jalifi and passed unanimously.

Motion was made by Gerber to appoint Donna Rickard, Lori Plunkett as committee members and Gary Witt and Marla Ferguson as alternate members to the Tourism/Beautification committee. Motion was seconded by Parsch and passed unanimously.

16) Discuss and take possible action regarding Human Resources policy consider reinstating previous contract for rapid 10 panel drug testing to be done by Proactive/All American Screening for 35\$ each.

Motion was made by Gerber to outsource the drug testing to Proactive/All American Screening. Motion was seconded by Jalifi and passed unanimously.

17) Discuss and take possible action regarding Human Resources policy consider convening an advisory panel to make recommendations regarding HR practices, and potential changes

to the employee handbook and employment related policies. (specifically with a focus on drug testing policies)

Motion was made to table this item by Green-Prats. Motion was seconded by Parsch and passed unanimously.

- 18) Discuss and take possible action to approve Ordinance 2024-05-14 modifying section 2-90 of the Code of Ordinances regarding special and emergency meetings.**

Motion was made by Gerber to approve Ordinance 2024-05-14 regarding calling special and emergency meetings. Motion was seconded by Kedlarchuk and approved unanimously.

- 19) Adjourn.** Meeting was adjourned at 9:04 pm.

Gregg Bisso, Mayor

Attest:

Amanda Davenport, City Secretary

Amanda Davenport

From: Jon Gerber
Sent: Thursday, June 6, 2024 10:14 AM
To: Amanda Davenport
Subject: Agenda

Discuss and take possible action to hold a series of town hall meetings specifically focused on individual topics of concern within Surfside Beach Texas: Water, Sewer, Finance, Erosion, Storm Preparedness, SPOT, etc... To promote dialogue, feedback, and transparency between local government and constituents.

Sent from my iPhone

Amanda Davenport

From: Jake. . <easyrider_7734@hotmail.com>
Sent: Thursday, June 6, 2024 11:00 AM
To: Amanda Davenport
Subject: Item agenda in regards to pothole research

Amanda,

At the next council meeting, I'd like to discuss and take possible action to direct Eric to research the best combination of the most advanced and longest lasting materials with proven results for patching potholes that would be suitable for our climate and road conditions at the Village of Surfside.

Further, to estimate the cost of using the top two recommended materials to patch all potholes on Ft. Velasco, including those directly adjacent to Ft. Velasco on cross streets from the bridge to Jetty Park as a test of the material. Reporting on findings due by the July council meeting.

Sincerely,

Stephen Kedlarchuk
469 525-6666

Sent from my iPhone

Amanda Davenport

From: Zach Parsch
Sent: Wednesday, May 15, 2024 9:45 AM
To: Amanda Davenport; Jon Gerber; Gregg Bisso
Subject: Fwd: June Agenda item

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Amanda, please include on agenda for next meeting .

John, based on your opening comments yesterday, I have included you to inform you of my intentions.

Gregg, this item will be a longer term solution to funding water rescue solutions.

Thanks,
Zach

Begin forwarded message:

From: "Parsch, Zach (ZM)" <ZParsch@dow.com>
Date: May 15, 2024 at 9:16:59 AM CDT
To: Zach Parsch <zparsch@surfsidetx.org>
Subject: June Agenda item

Discuss and take action to increase HOT rate to 5% effective Jan 1, 2025.

Use case of additional funds included below in TX Tax Code 351.105. Use of no less than 1% HOT on Beach Patrol, Lifeguard Services, Marine Water Safety, and Park Law Enforcement. A move to 5% would open up an opportunity to fund our much needed beach/marine water safety and rescue efforts. Which should result in improved swimmer rescues along with improved officer/lifeguard safety.

Links to TX Tax Code 351.105 and excerpt of section proposed in this agenda item:

[Texas Tax Code Section 351.105 – Allocation of Revenue: Eligible Coastal Municipalities \(public.law\)](#)

(c)

If the tax authorized by this chapter is imposed by an eligible coastal municipality at a rate of five or more percent of the cost of a room, no lesser amount than the amount of revenue derived from the application of the tax at a rate of one percent shall be used for beach patrol, lifeguard services, marine water safety, and park law enforcement.

Zach Parsch

Amanda Davenport

From: Parsch, Zach (ZM) <ZParsch@dow.com>
Sent: Thursday, June 6, 2024 9:31 AM
To: Amanda Davenport
Subject: Agenda item details

Amanda, please include this page in addition to my agenda item of proposed HOT increase to 5%.
Thanks,
Zach

(NEW) TX Tax Code 351.105 – Use Of Municipal HOT Revenue for *Eligible Coastal Municipalities*

HOT Tax % Additional Uses of HOT Revenue Available

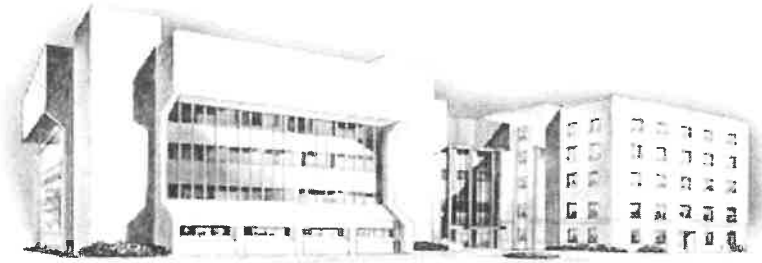
4%	Standard Use Of Municipal HOT Revenue as defined by 351.101: <ul style="list-style-type: none">o Current allowed uses of Surfside Municipal 4% HOT Revenue (2/6/24)
5%	Beach patrol, lifeguard services, marine water safety, and park law enforcement: <ul style="list-style-type: none">o Cost of Police & EMS Employees and Vehicles/Equipment used to patrol and support the beach
6%	Matching funds for state funds available to clean and maintain public beaches and for other public beach-cleaning funds: <ul style="list-style-type: none">o Costs of Employees and Vehicles/Equipment used to maintain the beach
7%	Maintenance, improvement, or operation of the parks, civic center buildings, auditoriums, parking facilities, and other facilities as may be considered advisable in connection with these facilities that serve the purpose of attracting visitors and tourists to the municipality: <ul style="list-style-type: none">o Costs of Employees and Vehicles/Equipment used to maintain Parks & Recreations facilities

- An increase from 4% to **5%** Surfside Municipal HOT now allows use of HOT Revenue for Cost of Police & EMS Employees and Vehicles/Equipment used to patrol and support the beach, as a result of new TX Tax Code 351.105
- An increase from 4% to **6%** now allows use of HOT Revenue for Cost of Police & EMS and Cost of Beach Cleaning & Maintenance Employees and Vehicles/Equipment used to support the beach, as a result of TX Tax Code 351.105

General Business

General Business

DAPHNE LEMELLE
DIRECTOR



JENNIFER CRAINER
ASSISTANT DIRECTOR

BRAZORIA COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

May 31, 2024

Dear Mayor:

This year Brazoria County will be re-qualifying for the Community Development Block Grant (CDBG) and HOME Program funds from the U. S. Department of Housing and Urban Development (HUD) for FYs 2025-2027. The County has to re-qualify for these funds every three years. Currently, twenty Cities in the County participate in the Brazoria County CDBG and HOME Programs. A list of these Cities is attached hereto.

Your city is currently a participating jurisdiction. If your City wishes to continue participating or elects to opt-out of the Brazoria County CDBG and HOME Program, you will need to notify this office by completing the attached *Notice to Withdraw or Remain as a Participating Jurisdiction*. We must receive this notification in our office no later than **5:00 p.m. on June 24, 2024**. Additionally, attached for your review is the Addendum to Cooperation Agreement reflecting updates to the original agreement. If you elect to continue, we request that this Addendum be reviewed, signed and submitted back to Brazoria County Community Development by **June 24, 2024**.

Please note that by continuing to be included in the County's program, your City will not be eligible to apply for grants under the Texas Community Development Program (TX-CDBG) or the Texas HOME Investment programs. This will not however affect any other grant program you wish to apply for (e.g., Texas Parks and Wildlife Department, Federal Aviation Administration/Texas Aeronautical Commission, Texas State Library, Criminal Justice Council, etc.)

We do hope that your City will continue to be a partner with the County and we look forward to continuing housing and community development efforts within your City.

As indicated above, please send your signed notice, and addendum, as applicable, to Daphne Lemelle, Brazoria County Community Development, 1524 E, Mulberry, Suite 162, Angleton, Texas, 77515.

If you have any questions about the program, please feel free to call me at (979) 864-1860.

Sincerely,

A handwritten signature in cursive script that reads "Daphne Lemelle". The signature is written in black ink and is positioned above the printed name and title.

Daphne Lemelle
Community Development Program Director

1524 EAST MULBERRY, SUITE 162, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1427

Brazosport Area
(979) 388-1427

Houston Area
(281) 756-1427

Fax Number
(979) 864-1827

**NOTICE TO WITHDRAW OR REMAIN AS A
PARTICIPATING JURISDICTION**

Daphne Lemelle
Brazoria County Community Development
1524 E. Mulberry, Suite 162
Angleton, TX 77515

The City of The Village of Surfside Beach, Texas elects to:

- Remain as a participating jurisdiction in the Brazoria County CDBG and HOME Program for Federal FY 2025-2027. I understand that requesting to remain as a Participating Jurisdiction, I agree to renew and extend the Cooperation Agreement between the County and the City of The Village of Surfside Beach, Texas.

- Withdraw as a participating jurisdiction in the Brazoria County CDBG and HOME Program for Federal FY 2025-2027. I understand that by withdrawing as a participating jurisdiction, our city will no longer be entitled to receive CDBG and HOME funding from Brazoria County. I also understand that I must notify Brazoria County Community Development and the local HUD Field Office that the City of _____ intends to withdraw as a participating jurisdiction. This request must be in writing, sent to both entities, and be received by June 24, 2024.

Signed by:

Gregg Bisso

_Mayor_____
Title

**Please email form to daphnel@brazoriacountytexas.gov or mail
form to Daphne Lemelle
By June 24, 2024**

AMENDMENT/ADDENDUM TO COOPERATION AGREEMENT

This Agreement Amendment/Addendum covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) Programs.

Per requirement of the CPD Notice 24-02: Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2025-2027 to read:

Paragraph II has been amended to read as follows:

The City and the County acknowledge that this Cooperation Agreement covers the Community Development Block Grant (CDBG) Entitlement Program, the HOME Investment Partnership Program (HOME) and the Emergency Solutions Grant (ESG) Program. Furthermore, the City understands that it may not apply for grants from appropriations under the small cities or State CDBG Programs. The City further understands and agrees that it may receive funding under the HOME and ESG programs only through the County, unless the County does not receive an allocation for such funding at which time the City may apply for HOME or ESG funding from the State.

Paragraph IV has been amended to read as follows:

This Agreement shall remain in full force and effect for the period October 1, 2025 through September 30, 2027. The Agreement will be automatically renewed at the end of this period for consecutive three-year periods unless the Agreement is specifically terminated in writing by either party before the end of the County's three-year qualification period. The County agrees to notify the City by the date specified in HUD's Urban County Qualification Notice for each successive qualification period of the City's right to not participate and to send a copy of such notice to the HUD Field Office. The City and the County acknowledge that they are aware that federal regulations do not permit the County to allow the City to withdraw from this Agreement or otherwise terminate this Agreement at any time during the period covered by the Agreement.

The City and the County also acknowledge that it will adopt any amendment to this Agreement to incorporate any changes necessary to meet the requirements for cooperation agreements set forth in any Urban County Qualification Notice which may be applicable for any subsequent three-year period and to submit such amendment to HUD as provided in the Urban County Qualification Notice, and that failure by either party to adopt such amendments will void the automatic renewal of such qualification period.

Furthermore, the City and the County acknowledge that this Agreement remains in effect until the CDBG, HOME and ESG funds and program income received with respect to the initial *three-year* qualification period and any successive qualification periods are expended and the funded activities completed and that the County and City shall not terminate or withdraw from the Agreement while the Agreement remains in effect.

Paragraph IX has been amended to read as follows:

In the performance of this Agreement, the County and all cooperating units of general local government executing this Agreement agree to take all actions necessary to assure compliance with County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of

1974, as amended, and will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR Part 1, the Fair Housing Act and the implementing regulations at 24 CFR Part 100, and will affirmatively further fair housing. See 24 CFR 91.225(a) and 5.105(a). The County and City also agree to comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR Part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, as well as other applicable laws. The City and County further agree that Urban County funding in no event will be used for activities in, or in support of, any cooperating unit of local government that impedes the County's actions to comply with the County's fair housing certification and duty to affirmatively further fair housing (AFFH).

Paragraph XIV now reads as follows:

This Agreement shall be of no force and effect unless and until it is executed by both parties hereto and as set forth below.

IN WITNESS WHEREOF this instrument in duplicate originals has been executed by the parties hereto as follows:

- a. It has been executed on behalf of Brazoria County on the _____ day of _____, 2024, by the County Judge of Brazoria County and attested by the County Clerk of Brazoria County pursuant to an order authorizing such execution.

- b. It has been executed on behalf of the City on the _____ day of _____, 2024, by its Mayor and attested by its City Secretary, pursuant to action of the City Council of the City authorizing such execution.

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr.

ATTEST

By: _____
County Clerk

CITY OF _____

Mayor

ATTEST

By: _____
City Secretary

CERTIFICATE OF CITY ATTORNEY

CITY OF _____, TEXAS

I have examined the foregoing Agreement, and as City Attorney for the City named therein, I hereby certify that the terms and provisions of this Agreement are fully authorized under State and local law applicable to the City (including but not limited to the City's Charter and ordinances).

Date

City Attorney

ORDER

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

On this the _____ day of _____, 2024, the Commissioners' Court, sitting as the governing body of Brazoria County, Texas, at a regular meeting, upon motion of Commissioner _____ seconded by Commissioner _____, duly put and carried,

IT IS ORDERED that the County Judge be, and he is hereby authorized to execute, and the County Clerk is hereby authorized to attest for and on behalf of Brazoria County, an agreement between Brazoria County and the City of _____ for the purpose of cooperating in the County's Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant (ESG) Programs for Federal FY 2025-2027, which agreement is hereby referred to and made a part hereof for all purposes as though fully set out herein.

Signed by:

L. M. "Matt" Sebesta, Jr., County Judge

Commissioner "Dude" Payne, Pct. 1

Commissioner Ryan Cade, Pct. 2

Commissioner Stacy Adams, Pct. 3

Commissioner David Linder, Pct. 4

RESOLUTION No. FY2025BMP

A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, DESIGNATING THE MAYOR TO ACT FOR AND ON BEHALF OF THE VILLAGE OF SURFSIDE BEACH IN DEALING WITH THE TEXAS GENERAL LAND OFFICE FOR THE PURPOSE OF APPLYING FOR STATE ASSISTANCE TO CLEAN AND MAINTAIN THE PUBLIC BEACH.

ON THIS 11th day of June 2024, the City Council of Surfside Beach, Brazoria County, Texas, convened in a public meeting when among other business the City adopted the following resolution.

A resolution in connection with application of Surfside Beach for State assistance in cleaning and maintaining public beaches for the period of September 1, 2024, to August 31, 2025; and

WHEREAS, each city shall enter a resolution directing the Mayor to make application for funds and vesting that Official with full authority to act for purposes of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, BRAZORIA COUNTY, TEXAS;

That Surfside Beach apply for state assistance in cleaning and maintaining the public beach under Section 61.076, Natural Resource Code; and

That the Mayor shall be vested with full authority to act for purposes of the program.

READ, PASSED AND APPROVED this 11th day June, 2024.

Gregg Bisso, Mayor

ATTEST:

Amanda Davenport, City Secretary
Village of Surfside Beach, Texas